Municipality of The

Town of Picton

BY-LAW NO. 820

To Regulate the Proceedings in the Town Council of the Town of Picton, to define the Power of Committees, and to regulate the Payments of Money

FRED NEWMAN - - Mayor

PICTON, ONT.
THE PICTON GAZETTE PUBLISHING COMPANY, LIMITED
1923

The EDITH *and* LORNE PIERCE
COLLECTION *of* CANADIANA

Queen's University at Kingston

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To Regulate the Proceedings in the Town Council of the Town of Picton, to Define the Powers of Committees, and to Regulate the Payments of Money.

The Municipal Council of the Corporation of the Town of Picton enacts as follows:

1. The following Rules and Regulations shall be in force in the proceedings of the Town Council and Committees thereof.

2. No person but members of the Council shall be allowed to come within the bar during the session of the Council without the permission of the Mayor or Chairman, or the consent of the Council.

3. No person present at any meeting of the Council shall be allowed to speak or make a noise, or in any way disturb or interrupt the proceedings of the Council, or behave in a riotous, disorderly or unseemly manner; and any person who shall do so shall be liable on conviction, to a fine of not less than one dollar,or more than four dollars for the first offence, and not less than four dollars or more than twenty dollars for a subsequent offence, such fines to be paid to the Treasurer for the use of the Municipality, and in default of distress the offender shall be committed to jail for not more than ten days.

4. After its inaugural meeting, the Council shall meet on the first Monday in each month, at 7.30 o'clock, p.m., unless such Monday be a public holiday, or municipal election, when the Council shall meet at the same hour the first day thereafter, the same not being a public holiday or election day, and if in fifteen minutes thereafter there be not a quorum of members assembled, the names of those members present shall be recorded by the Clerk, and the Council shall stand adjourned until the next regular meeting.

5. The hour of adjournment shall be 10.30 o'clock, p.m., at which hour the Council shall always adjourn, unless this rule be temporarily suspended by consent of two-thirds of the members present.

6. A quorum shall consist of a majority of the whole number of the members, including the Mayor as a member of the Council.

7. A special meeting of the Council may at any time be summoned by the Mayor.

8. The Mayor shall, on requisition in writing, signed by a majority of the members of the Council, call a special meeting of the Council and in case of the absence or the neglect or refusal of the Mayor, to convene such meeting, the Clerk shall call a special meeting when so required by a majority of the Council.

9. All special meetings shall be called by written notice sent to each member of the Council by the Clerk, which notice shall set forth the business to be considered, and no other business shall be taken up or discussed at such special meeting.

10. At the hour appointed, when a quorum is present, the chair shall be taken by the Mayor, or in his absence, by a chairman to be appointed by the Council, and the proceedings commenced by taking up business in the following order:—

1st.—Reading of the minutes of the last regular meeting and of any special meeting intervening, and the correcting of errors, if any.

2nd.—Presenting and reading petitions.

3rd.—Reading communications.

4th.—Reception of reports of Committees and reading same.

5th.—Presenting, referring or passing of accounts.

6th.—Does any person not a member of the Council, desire to address the Council by consent?

7th.—Completion of unfinished business from preceding meetings.

8th.—Motions and questions, and the consideration of any business introduced by members.

11. Notices in writing of intention to introduce a measure may be given at any time during the meeting, and shall always be entered by the Clerk on the minutes.

Conduct of the Chairman

12. The Mayor or Chairman shall preserve order and decorum, decide all questions of order, subject to an appeal to the Council by any member who shall quote rule, and when called upon to explain a point of order, shall state the rule applicable to the case without argument or comment.

13. The Mayor or Chairman shall declare the vote on all questions, and should his declaration be disputed, may require the members voting "yea" and "nay" to rise and stand until the number for the affirmative and negative be counted by him.

14. When the Mayor or Chairman sees fit to exercise his rights of voting on any question before the Council he shall, from his chair, be at liberty to explain his vote, otherwise he shall take no part in any discussion before the Council while he remains in the chair, and any question on which there is an equality of votes, (in consequence of the Mayor's or Chairman's vote) shall be deemed to be negatived.

15. It shall be the duty of the Mayor or Chairman, whenever he shall conceive a motion to be contrary to the rules of the Council, to apprise the Council thereof before such motion is debated upon or put, citing the rules applicable to the case.

16. In all unprovided cases in the proceedings of Council, or in Committee of the Whole, the law of Parliament shall be followed, and in such cases the decision of the Mayor or Chairman shall be final and acquiesced in without debate.

Conduct of Members

17. Every member, previous to speaking, shall rise from his seat uncovered, and address the Mayor or Chairman, confine his remarks to the question, and avoid indecorous language and personalities.

18. Should more than one member rise at the same time to address the chair, the Mayor or Chairman shall determine who is entitled to the floor.

19. All petitions, memorials and communications addressed to the Council shall be presented by a member from his place in the Council Chamber, and every such document shall have endorsed thereon the object thereof, and the date of presentation, and the name of the member making the same, and such member shall be answerable to the Council that the document does not contain improper or impertinent matter.

20. No member shall, without leave of the Council speak longer than ten minutes, nor more than once on any question, unless in explanation of a material portion of his remarks which may have been misunderstood, and then he shall not introduce new matter, but the member proposing a question shall be permitted to close the argument by replying to the arguments advanced by other members referring to the question.

21. The Mayor or Chairman, or any member may call a member to order while speaking, citing point of order and Rule applicable, whereupon the member so called to order shall sit down and not speak until the point of order is determined, unless to appeal from the decision of the chair.

22. When the Mayor or Chairman is putting a question, no member shall walk out of or across the Council Chamber.

23. When a member is speaking, no member shall hold discourse that may interrupt him, or pass between him and the chair.

24. Any member may require the motion or report under discussion to be read for his information at any period of the debate, but not so as to interrupt any member speaking.

25. Previous to a question being voted on, or when a division is called for, the members present in the Council Chamber, or in Committee Rooms, shall take their seats, and each member unless the Council excuse him, or he be personally interested, shall vote, and if any member persists in refusing to vote for other than the reasons hereinbefore stated, he shall be recorded in the negative on the question before the Council.

26. Previous to any question being finally put, any member may require that the names of the members voting for or against be taken down by the Clerk, and entered on the minutes.

27. On call of any member a majority of the members present may demand that the previous question be put, which shall always be in this form, "Shall the main question be now put?" and until it is decided shall preclude all further amendments to the main question and all further debate.

28. When any question has been finally put by the Mayor or Chairman, no member shall speak on it before voting, and the decision of the

Mayor or Chairman, as to whether the question has been finally put, shall be conclusive.

29. Members of the Council shall, on adjournment, keep their seats until the Mayor or Chairman leaves the chair, or declares the vote, if any.

Motions and Questions

30. Every motion and resolution, except as hereinafter provided, shall be in writing, with the names of the mover and seconder thereon, and when duly moved and seconded, shall be read by the Clerk and then shall be open for discussion and consideration.

31. A motion to adjourn, to suspend Rule No. 5 of this By-law, or that the Council resolve itself into committee of the whole, may be made viva voce.

32. No verbal report from any Committee of Council shall be received or discussed.

33. After a motion has been read, and placed in the hands of the Mayor or Chairman, it shall be deemed to be in possession of the Council, but may be withdrawn with the consent of the Council.

34. When a motion is under consideration no motion shall be received, unless to adjourn, to suspend Rule No. 5 of this By-law, (should the time be after 10.30 o'clock) the previous question, to lay on the table, to postpone, to refer, or to amend, which shall have precedence in the order in which they are named, and the first four of which several motions shall be decided without debate.

35. A motion to adjourn the Council or to adjourn the debate shall be in order except (1) when a member is in possession of the floor; (2) when the yeas and nays have been called; (3) when the members are voting; (4) when it has been decided that the previous question shall be put forthwith; (5) in Committee of the whole; but no second motion to the same effect shall be made until after some intermediate proceeding shall have taken place.

36. The order of the day shall always have the preference to any motion before the Council, except that when any motion shall be lost by the Council breaking up for want of a quorum, such motion shall be the first business to be proceeded with at the next regular meeting of the Council.

37. Amendments shall be put in the reverse order to that in which they are moved, except in filling up blanks, when the longest time and largest sum shall be put first. Every amendment submitted shall be reduced to writing, and shall be decided or withdrawn before the main question is put to the vote. Only one amendment shall be allowed to an amendment; more than one must be to the main question.

38. All appointments to office shall be by open vote of the Council, and the candidate receiving the majority vote of the members then present shall be declared elected.

39. No motion to rescind a resolution entered upon the minutes shall be received or put, unless a notice of intention to introduce such motion to rescind shall have been made in writing at a previous meeting, except by permission of two-thirds of the Council.

Committee of the Whole

40. The Rules of Council shall be observed in Committee of the Whole excepting the rules relating to the vote being taken down, and limiting the number of times speaking, the previous question, or to adjourn, but no member shall speak for a longer time than ten minutes on any clause of report or resolution, nor shall motions require to be seconded or in writing.

41. Whenever it shall be moved and carried that the Council go into Committee of the Whole, the Mayor shall leave the chair, but he shall first appoint a chairman of the Committee of the Whole, who shall maintain order in the Committee, and who shall report the proceedings thereof, but the Chairman of a Committee whose report is under consideration, or a member introducing a Bill, shall not be required to take the chair.

42. A motion in Committee of the Whole to rise and report, or that the Chairman leave the chair with leave to sit again, shall always be in order and shall be decided without debate.

43. A motion in Committee of the Whole to rise without reporting, or that the Chairman leave the chair shall always be in order, and shall take precedence to any other motions; on such motions debate shall be allowed, (but no member shall speak more than once), and on an affirmative vote the subject referred to the Committee shall be considered as disposed of in the negative, and the Mayor or Chairman shall resume the chair and proceed with the next order of business.

By-Laws

44. Every By-law shall be introduced by a motion for leave to introduce same, specifying the title thereof, or by an order from the Council, or by a report from a Special or Standing Committee.

45. No By-laws shall be referred to Committee of the Whole for adoption or amendment until the preamble thereof shall have been read in Council.

46. Every By-law shall be read and passed in Committee of the Whole before being read a third time.

47. Each reading of a By-law shall be indorsed by the Clerk with the date on which the reading took place.

48. All By-laws must be signed and sealed at the meeting at which it receives its third reading.

49. No By-law shall receive more than two readings at any one meeting, except upon a vote representing at least two-thirds of the members constituting those present, and on such a vote it may be passed through all its several stages and finally passed.

50. When a By-law is considered in Committee of the Whole it shall be read by the Clerk, debated clause by clause, and put by the Chairman as read by the Clerk, leaving the title and preamble to be last considered.

51. All amendments shall be reported by the Chairman of Committee to the Mayor or Chairman on his resuming the chair, and after report the By-law may be subject to debate and amendment in Council before it shall receive a third reading.

52. Every proposed By-law shall receive three several readings before it shall be finally passed, except the Council by consent waive the final reading.

Appointment of Committees

53. The mover of a special Committee shall be a member and the convenor thereof, and the introducer of a measure shall be a member of the Committee, if a special Committee is instructed to consider it, and all special cmmittees shall appoint their own chairman.

54. The Council shall at its inaugural meeting in January, in each and every year, appoint the several Standing Committees, the first named to be Chairman, which Standing Committees shall be as follows:

1st. Finance and Printing.

2nd. Market, Hall, Town Property, Fire and Police.

3rd. Board of Works and Street Sprinkling.

4th. Supply, consisting of the Chairmen of Standing Committees.

55. Each of the aforesaid Committees shall consist of five members. including the Mayor who shall be a member ex-officio of each and every Committee, whether special or standing. A quorum of every Committee shall consist of a majority of the members of the Committee, including the Mayor as a member of the Committee.

56. Each of the said Standing Committees, shall meet at their convenience or at the call of the Chairman, and the Chairman who shall be appointed by the Council, shall preside at every meeting when present, and shall vote on all questions when submitted, and in case of an equal division the question shall be deemed to be negatived. In case of the Chairman's absence, one of the other members shall be elected to preside who shall discharge the duties of the Chairman for the meeting or until the Chairman arrives.

57. Each Committee, whether standing or special, shall keep a proper record of its proceedings in a book for that purpose, and shall confirm the minutes of the meeting. All motions shall be moved and seconded, and entered on the minute book. All reports, before presentation to the Council, must be entered in the minute book, signed by the Chairman, and must be presented to the Council in such book, and said minute book must be returned to the Clerk at the end of each year.

58. Each Committee shall meet at the summons of the Chairman, and in case of his absence, on requisition to the Clerk, signed by a majority of the Committee, reasonable notice being given in either case.

59. Each of the aforesaid Committees shall report on every matter and question referred to them at the first regular meeting of the Council

next after the time of reference, unless otherwise instructed in the order or resolution of reference, and each Committee shall properly number and indorse their reports in the order of their presentation.

60. Should a Chairman of any of the aforesaid Committees neglect or refuse to call a meeting of his Committee at such times, or with such frequency, as the proper despatch of the business entrusted to them requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes and sanction, the Committee may report such neglect, refusal or action to the Council, who may, if they deem it advisable, remove said chairman from the committee and appoint another in his place.

61. Should any member or members of any of the aforesaid Committees neglect or refuse to attend the properly summoned meetings of their Committees, the Chairman may report such neglect or refusal to the Council, who may remove the said member or members from the Committee and appoint another member or members in his or their places; or should any Committee neglect or refuse to give due attention to all business or matters before them, the Council may by resolution discharge such Committee and appoint another in their stead.

Functions of Standing Committees

62. Each Standing Committee shall report to the Council, at the first regular meeting in each month, a correct statement of all monies expended, and liability proposed to be incurred, and the nature, extent and estimated cost thereof, including contracts. Such statement shall be made up to the end of each preceding month.

Finance and Printing

63. It shall be the duty of the Finance and Printing Committee to examine and report on all accounts referred to them, and report on all estimates of expenditure, proposals for purchase or sale of debentures, or other Municipal securities, to prepare estimates of the revenue, expenditure and assessment of each year, to have charge of everything relating to printing and stationery, and generally, of all matters connected with the finances of the Town.

Market Hall, Town Property, Fire and Police Committee

64. The Market Hall, Town Property, Fire and Police Committee shall have charge of the Public Market, Market Square, the Town Hall, and all stalls or other erections connected with the said Market, Fire Department and all fire appliances, all Parks, Shade Trees, Buildings, Fences, and all matters connected with planting Trees, Shrubs and Flowers, whether in Parks or on Streets, and the protection of the same; also all Fire apparatus and all other matters and improvements connected with suppression of fires and all Town property and regulations of buildings within the fire limits, and shall have supervision of the Police.

65. That the Chairman of the Board of Works, the Chairman of the Town Property Committee and the Chairman of Memorial Park shall each make a complete list of all town property in their department and where it is located; said list to be presented to the Council at the meeting of December 15th of each year.

Board Of Works and Street Sprinkling Committee

66. The Board of Works shall have in charge all matters connected with the construction, repair and improvement of the Streets, Highways, Bridges, Sidewalks, Sewers and Drains of the Town, and encroachments on and obstructions and injuries to the same, and sweeping and sprinkling of streets.

Supply Committee

67. The Supply Committee shall have full control of the purchase of any and all supplies for or on behalf of the corporation in every department and in every respect whatsoever, and the corporation shall not be responsible for the payment of any debt contracted without the written order of the Chairman of a Standing Committee and that a copy of such order be kept by said Chairman.

68. Nevertheless, each of the aforesaid Committees, in the exercise of their several functions, when the same are not expressly prescribed by Statute or By-law, shall be under the control and direction of the Council.

69. It shall be the duty of the aforesaid Committees to report to the Council, on or before its regular meeting in May of each and every year, a general statement of its proposed improvements, repairs and expenditures, together with an estimate of revenue, if any, which may be fairly expected from the department under its supervision for the current year. The Council shall then refer these several reports, with or without amendment, to the Finance Committee, who shall prepare and report to the Council, on or before the first regular meeting in June, an estimate of the total revenue, assessment and expenditure for the said year, based on the aforesaid reports as data.

70. The Council shall then, on receipt of the report of the Finance Committee, amend or not the aforesaid reports of the Standing Committees, reducing, increasing or confirming the several estimates of each or any of them, as they may deem necessary and advisable, and such several reports, as thus amended or confirmed, shall then be adopted, if approved by the Council, and the several sums set down in each shall constitute the appropriations for the several committees for the said year.

71. No expenditure of the appropriations granted under the seventieth section of this By-law shall be made by any committee until a detailed report of every such expenditure shall have been submitted by each committee and approved by the Council, in accordance with the sixty-ninth and seventieth sections of this By-law. In case, however, of emergency, or sudden injury to Municipal property, requiring immediate repair, the appropriate committee may, without the sanction of the Council, expend a sum not exceeding fifty dollars on such repairs.

Expenditure of Moneys

72. The Council may, at any time during the year, make a different application of the appropriations made under the seventieth section of this By-law, or such unexpended portions of them as remain in the Treasurer's hands; but no moneys hereafter voted or raised for any purpose shall be applied to any other purpose without expressly rescinding or repealing the Resolution, Report or By-law, by or under which the same was voted or raised, so far as such Resolution, Report or By-law stated the purpose.

73. Any Committee or Chairman of any Committee, expending more than the said appropriation, or otherwise than provided by the sixty-ninth and seventieth sections of this By-law, or money for which no provision has been made, shall be personally liable for such expenditure or the excess of expenditure over and above the appropriations of the aforesaid report. The Council may, however, pass a By-law to indemnify him, or them, for each such breach of this By-law and to make provision for the payment of such expenditure.

Advertising for Creditors

74. On the first Monday in November in each year the Clerk shall advertise for all accounts owing by the Corporation to be sent in, and at the first regular meeting in December of the Council thereafter each Committee shall present to the Council a full report of the receipts and expenditures in the several departments under their control for the current year.

Payment of Accounts

75. All accounts shall be rendered to the Clerk and presented by him to the appropriate Committees, who shall report to the Council and when such report is passed by the Council the Clerk shall make out a summary statement showing the department or class to which the account, so passed by the Council, is to be charged, the party entitled, the amount of each class, the aggregate amount, the date when the accounts were passed and the number of the report, and the Treasurer shall pay the same on presentation of such statement or a true copy thereof, certified by the Clerk and under the seal of the Corporation, but no order shall be necessary for the payment of debentures, interest, coupons, county rate, bills discounted, fixed salaries, school moneys, and pay lists of Board of Works, when certified to by the Chairman and Foreman; or if no Foreman, by the Chairman and Mayor; and the Treasurer shall pay no moneys otherwise than provided in this clause. In case where money is ordered to be paid to any person or firm indebted to the Corporation, the Treasurer shall pay to the appropriate officer the requisite amount to balance the account or such sum as ordered paid if the sum is not sufficient to balance said account, and the officer receiving money from the Treasurer under this section, shall credit the same to the person or firm indebted, as aforesaid.

Incurring Debt

76. After the introduction and passing of the estimates for the year, any by-law, reports or resolutions proposing an expenditure of money, shall receive a two-thirds vote of the whole Council, and shall then be referred to the Finance Committee to report the ways and means, and in no case shall any Committee or officer of the Corporation act upon any such by-law, report or resolution, till a report of said Committee, certifying the mode of providing the necessary funds, has been adopted by the Council.

77. No contract shall be authorized or permitted, in contemplation of a loan whereby a debt is incurred, requiring the approval of the ratepayers, until after such a loan or debt has been duly passed and has been ap-

proved by the ratepayers, according to law; nor shall any contract be valid or binding on the Corporation provided the same exceeds fifty dollars, unless the same shall have been submitted to and approved by the Council, and signed by the Mayor and Clerk, and have the Corporation Seal attached, unless the Mayor refuses to sign such contract after it has been approved of by the Council, in which case the contract must be signed by the Chairman of the Finance Committee and the Clerk.

78. By-law No. 690 and all existing By-laws or clauses of By-laws, contrary to the provisions of this By-law, are hereby repealed, but the repeal of the said By-law No. 690 shall not revive any By-law thereby repealed.

Passed in open Council this 15th day of December, A. D., 1922.

R. H. CALNAN,
Town Clerk.

FRED NEWMAN,
Mayor

Seal